



Lichfield
District Council

CIL COMPLIANCE STATEMENT 21 JUNE 2024

APPEAL BY:

Marrons Planning on behalf of Summix BLT Developments Ltd.

AT:

Land North Of Browns Lane, Tamworth, Staffordshire

PLANNING INSPECTORATE REFERENCE: APP/K3415/W/24/3340089

LPA PLANNING APPEAL REFERENCE: 24/00004/REF

LPA ORIGINAL PLANNING APPLICATION REFERENCE: 18/00840/OUTMEI

1.0 Introduction

1.1 This statement addresses the planning obligations sought by Lichfield District Council in association with the appeal scheme. The statement is provided without prejudice to the Council's case. The CIL compliance note remains in draft form until the S106 agreement has been agreed between the parties.

1.2 Lichfield District Council is the Local Planning Authority and CIL Charging Authority in respect of the appeal site. The Council's CIL was implemented on 13 June 2016. In accordance with the CIL charging schedule, certain developments are liable to pay the levy. In the case of dwelling houses, the charge only applies to market dwellings, as such there is no charge attached to affordable dwellings.

2.0 Relevant Legislation and Policies

2.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the tests for the use of planning obligations. Obligations should only be sought when they meet the following tests and the obligations are:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development, and;
- c) Fairly and reasonably related in scale and kind to the development.

2.2 The following policies of the Development Plan are referred to in support of the case that the proposed obligations meet these tests:

Lichfield Local Plan Strategy 2015

- Core Policy 3: (Delivering Sustainable Development)- Sets a range of requirements to ensure new development contributes to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, makes prudent use of natural resources, reduces carbon emissions and minimises environmental impacts. (p33/34)
- Core Policy 4: (Delivering our Infrastructure)- Confirms that new development must be supported by the required infrastructure at the appropriate stage. New development will be required to provide the necessary infrastructure at a timely stage to meet the community needs arising as a result. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community. (p42)
- Policy IP1: Supporting & Providing our Infrastructure)- The District Council will require all eligible development to provide the appropriate infrastructure on and off site, in line with other policies of the Local Plan and the Infrastructure Delivery Plan. The explanation text goes on to confirm that developer contributions have a significant role to play in infrastructure delivery. (p43)
- Core Policy 5: (Sustainable Transport)- Sets out that all new development should be well served by an attractive choice of transport modes, including public transport, footpaths and cycle routes to promote healthier lifestyles. The policy supports initiatives related to improving sustainable transport across the District, including 'the extension of bus services and high quality

facilities that promote public transport use to new communities, including the identified Strategic Development Allocations and Broad Development Locations'. Improvements to the road network will be required, including the completion of necessary highway schemes to tackle areas of congestion and to increase highway safety. (p45/46)

- Policy ST1: (Sustainable Transport)- Policy seeks to secure more sustainable travel patterns, including non car based travel and requiring travel plans for all major development. (p48)
- Core Policy 6: (Housing Delivery)- Sets policy expectations for the delivery of new housing in the District, including ensuring that new housing assists in meeting the identified housing needs, including affordable homes, including the requirements of housing market areas relating to neighbouring Tamworth and Rugeley; and deliver the required, identified physical, green, social and community infrastructure requirements necessary to support sustainable communities. (p50/51)
- Policy H2: (Affordable Housing)- Sets requirements for affordable housing. (p55/56)
- Core Policy 10: (Heathy and Safe Lifestyles)- The District Council will enable people to live healthy and safe lifestyles by facilitating access to a range of high quality and well maintained open spaces, playing pitches, sport, recreation, play facilities and cultural assets which are relevant to, and meet the needs of local communities. (p67/68)
- Policy HSC1: (Open Space Standards)- This policy sets requirements for public open space to ensure that proposals are supported which improve the quantity. Quality and accessibility of green spaces. (p72)

Other relevant Documents

- Developer Contributions Supplementary Planning Document- The developer contributions supplementary planning document provides guidance on the financial and non-financial contributions developers must make to mitigate the impact of their developments on local infrastructure and services.

<https://www.lichfielddc.gov.uk/planning-policy/supplementary-planning-documents/8>

- **Staffordshire Education Infrastructure Contributions Policy**- This County Council policy document provides the broad approach to identifying the impact of new residential development on education infrastructure and the necessary mitigation to make developments acceptable in planning terms. It provides the basis for calculating likely education infrastructure contributions.
<https://www.staffordshire.gov.uk/Education/Schoolsandcolleges/PlanningSchoolPlaces/Information-for-developers/Planning-policy.aspx>

3.0 Planning Obligations

3.1 Planning obligations are required to cover the following issues:

- Provision of 100% affordable homes
- Provision and maintenance of public open space
- Payment of education financial contributions
- Payment of healthcare financial contribution
- Highways and transport measures
- Lichfield District Council and Staffordshire County Council monitoring fee

3.2 The table below sets out the requirements and the reasons behind each obligation within the S106 legal agreement:

Planning Obligation	Requirement	Justification
Schedule 1- Monitoring Fees	Monitoring fees to be paid to the District Council and the County Council	The fee to be paid to the District Council is £32.50, which is 5% of the healthcare payment to be paid to the Council. The fee to be paid to County Council amount totally to a maximum of £1,999,814 (including the maximum education, healthcare, highway and travel plan contributions).

		These fees are fair and reasonable in light of the administration and monitoring of the legal agreement and its associated obligations.
Schedule 2- Affordable Housing	100% of the housing will be provided as affordable, in line with the definitions set out in the NPPF	The appellants case rests upon the argument that affordable housing is needed in this locality. The case sets out that provision of affordable housing on-site is necessary to meet an identified need and is a requirement of both national and local planning policy. The provision of affordable housing on site is directly related to the development and the provision of 100% on site is considered to be fairly and reasonably related in scale and kind to the development.
Schedule 3- Public Open Space	On site public open space shall be provided and maintained by a management company	Policy requirement (Core Policy 4, Core Policy 10) for environments to meet the needs of all potential users. The development is required to provide satisfactory on site public open space. The requirement would conform to the three regulation 122 tests.
Schedule 4- The healthcare contribution	A sum of £136,498.00 is requested to mitigate the healthcare infrastructure requirements arising from the development. To be used to expand existing GP services clinical rooms in the locality.	Justification is provided as to why the healthcare contribution is required in the Staffordshire Integrated Care Board's consultation response dated 9 June 2023. Policy requirement set out in policy IP1 and the Developer Contributions SPD. The requirement would conform to the three regulation 122 tests.

Schedule 5- The Travel Plan	Submission and monitoring of a travel plan	In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies CP5 and ST1 of the Local Plan. The requirement would conform to the regulation 122 tests.
Schedule 6- Education Contribution	Financial contribution of £1,619,176.00 to deliver 65 primary school places and 23 secondary school places. This is calculated in line with the County Education Infrastructure Contributions Policy	This is necessary to mitigate the impacts of the development, directly related to the appeal scheme and fairly and reasonable related in kind to the appeal. development to serve the future population of the development. Trigger points have been included to reflect the occupancy of the development which would be staggered given the scale of the scheme.
Schedule 7- Highway Contribution	Highway contribution of £47,900.00 (Forty Seven Thousand and Nine Hundred Pounds) to be used towards improvement scheme at the A513/ GillwayLane/ Comberford Road/ Coton Lane junction.	Core Policy 5 and policy ST1 of the Local Plan set out that new development should not result in adverse highway safety impacts elsewhere. This contribution would provide mitigation to an adjacent junction, which the appellant has put forward in response to highway modelling which concluded improvements would be necessary following the impacts of the scheme on highway capacity. This is necessary to mitigate the impacts of the development, directly related to the appeal scheme and fairly and reasonable related in kind to the appeal development to serve the future population of the development. The works will be carried out by the County Council.

Schedule 8- District Council Covenants	If the healthcare contribution is not spent within 10 years of receipt in line with the requirements of the agreement, monies will be refunded.	Standard requirement
Schedule 9- County Council Covenants	<p>If the education contribution is not spent within 10 years of receipt in line with the requirements of the agreement, monies will be refunded.</p> <p>If the highways contribution is not spent within 5 years of receipt in line with the requirements of the agreement, monies will be refunded.</p>	Standard requirement

4.0 Community Infrastructure Levy

4.1 CIL is charged as a tariff upon new development which is eligible to pay the charge. There are a few exemptions, including the delivery of affordable housing.